
By: **Carroll County Delegation**

Introduced and read first time: February 5, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education - Carroll County - Exemption from Full Day Kindergarten**

3 FOR the purpose of exempting Carroll County from the requirement to provide full
4 day kindergarten for certain students in the public schools of the county;
5 providing for the effective date of certain provisions of this Act; and generally
6 relating to an exemption from the requirement for full day kindergarten
7 programs in the public schools in Carroll County.

8 BY repealing and reenacting, without amendments,
9 Article - Education
10 Section 7-301
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Education
15 Section 7-301
16 Annotated Code of Maryland
17 (2001 Replacement Volume and 2002 Supplement)
18 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Education**

22 7-301.

23 (a) (1) Except as otherwise provided in this section, each child who resides
24 in this State and is 5 years old or older and under 16 shall attend a public school
25 regularly during the entire school year unless the child is otherwise receiving regular,
26 thorough instruction during the school year in the studies usually taught in the public
27 schools to children of the same age.

1 (2) In accordance with regulations of the State Board of Education, a
2 child who resides in this State and is 5 years old may be exempted from mandatory
3 school attendance for 1 year if the child's parent or guardian files a written request
4 with the local school system asking that the child's attendance be delayed due to the
5 child's level of maturity.

6 (3) Except as provided in subsection (f) of this section or in regulations of
7 the State Board of Education, each child who resides in this State shall attend a
8 kindergarten program regularly during the school year prior to entering the first
9 grade unless the child is otherwise receiving regular, thorough instruction in the
10 skills and studies usually taught in a kindergarten program of a public school.

11 (b) A county superintendent, school principal, or an individual authorized by
12 the county superintendent or principal may excuse a student for a lawful absence.

13 (c) Each person who has legal custody or care and control of a child who is 5
14 years old or older and under 16 shall see that the child attends school or receives
15 instruction as required by this section.

16 (d) (1) This section applies to any child who has a mental, emotional, or
17 physical handicap.

18 (2) This section does not apply to a child:

19 (i) Whose mental, emotional, or physical condition makes his
20 instruction detrimental to his progress; or

21 (ii) Whose presence in school presents a danger of serious physical
22 harm to others.

23 (3) With the advice of the school principal, supervisor, pupil personnel
24 supervisor, or visiting teacher and with the written recommendation of a licensed
25 physician or a State Department of Education certified or licensed psychologist, the
26 county superintendent may:

27 (i) Make other appropriate provisions for the free education of any
28 student excepted from attendance under paragraph (2) of this subsection; or

29 (ii) Permit the parents or guardians of that student to withdraw
30 him from public school, for as long as the attendance of the child in a public school
31 would be detrimental to his progress or his presence in school would present a danger
32 of serious physical harm to others.

33 (4) If a child is withdrawn from a public school under this subsection, the
34 county board shall make other appropriate provisions for the education of the child.

35 (5) If an appropriate educational placement is not available immediately,
36 the county board shall make interim provisions for the education of the child until an
37 appropriate placement becomes available.

1 (e) (1) Any person who induces or attempts to induce a child to absent
2 himself unlawfully from school or employs or harbors any child who is absent
3 unlawfully from school while school is in session is guilty of a misdemeanor and on
4 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
5 days, or both.

6 (2) Any person who has legal custody or care and control of a child who is
7 5 years old or older and under 16 who fails to see that the child attends school or
8 receives instruction under this section is guilty of a misdemeanor and:

9 (i) For a first conviction is subject to a fine not to exceed \$50 per
10 day of unlawful absence or imprisonment not to exceed 10 days, or both; and

11 (ii) For a second or subsequent conviction is subject to a fine not to
12 exceed \$100 per day of unlawful absence or imprisonment not to exceed 30 days, or
13 both.

14 (3) As to any sentence imposed under this section, the court may
15 suspend the fine or the prison sentence and establish terms and conditions which
16 would promote the child's attendance. The suspension authority provided for in this
17 subsection is in addition to and not in limitation of the suspension authority under §
18 6-221 of the Criminal Procedure Article.

19 (f) A child may be exempted from attending kindergarten if a parent or
20 guardian of the child files a written request with the local school system and verifies
21 that the child is enrolled:

22 (1) Full time in a licensed child care center;

23 (2) Full time in a registered family day care home; or

24 (3) Part time in a Head Start 5 year old program.

25 (g) Kindergarten programs are not subject to the requirements of § 7-103(a) of
26 this title relating to minimum days or hours of operation.

27 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
28 read as follows:

29 **Article - Education**

30 7-301.

31 (a) (1) Except as otherwise provided in this section, each child who resides
32 in this State and is 5 years old or older and under 16 shall attend a public school
33 regularly during the entire school year unless the child is otherwise receiving regular,
34 thorough instruction during the school year in the studies usually taught in the public
35 schools to children of the same age.

1 (2) In accordance with regulations of the State Board of Education, a
2 child who resides in this State and is 5 years old may be exempted from mandatory
3 school attendance for 1 year if the child's parent or guardian files a written request
4 with the local school system asking that the child's attendance be delayed due to the
5 child's level of maturity.

6 (3) Except as provided in subsection (f) of this section or in regulations of
7 the State Board of Education, each child who resides in this State shall attend a
8 kindergarten program regularly during the school year prior to entering the first
9 grade unless the child is otherwise receiving regular, thorough instruction in the
10 skills and studies usually taught in a kindergarten program of a public school.

11 (b) A county superintendent, school principal, or an individual authorized by
12 the county superintendent or principal may excuse a student for a lawful absence.

13 (c) Each person who has legal custody or care and control of a child who is 5
14 years old or older and under 16 shall see that the child attends school or receives
15 instruction as required by this section.

16 (d) (1) This section applies to any child who has a mental, emotional, or
17 physical handicap.

18 (2) This section does not apply to a child:

19 (i) Whose mental, emotional, or physical condition makes his
20 instruction detrimental to his progress; or

21 (ii) Whose presence in school presents a danger of serious physical
22 harm to others.

23 (3) With the advice of the school principal, supervisor, pupil personnel
24 supervisor, or visiting teacher and with the written recommendation of a licensed
25 physician or a State Department of Education certified or licensed psychologist, the
26 county superintendent may:

27 (i) Make other appropriate provisions for the free education of any
28 student excepted from attendance under paragraph (2) of this subsection; or

29 (ii) Permit the parents or guardians of that student to withdraw
30 him from public school, for as long as the attendance of the child in a public school
31 would be detrimental to his progress or his presence in school would present a danger
32 of serious physical harm to others.

33 (4) If a child is withdrawn from a public school under this subsection, the
34 county board shall make other appropriate provisions for the education of the child.

35 (5) If an appropriate educational placement is not available immediately,
36 the county board shall make interim provisions for the education of the child until an
37 appropriate placement becomes available.

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2 himself unlawfully from school or employs or harbors any child who is absent
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4 conviction is subject to a fine not to exceed \$500 or imprisonment not to exceed 30
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14 (3) As to any sentence imposed under this section, the court may
15 suspend the fine or the prison sentence and establish terms and conditions which
16 would promote the child's attendance. The suspension authority provided for in this
17 subsection is in addition to and not in limitation of the suspension authority under §
18 6-221 of the Criminal Procedure Article.

19 (f) A child may be exempted from attending kindergarten if a parent or
20 guardian of the child files a written request with the local school system and verifies
21 that the child is enrolled:

- 22 (1) Full time in a licensed child care center;
- 23 (2) Full time in a registered family day care home; or
- 24 (3) Part time in a Head Start 5 year old program.

25 (G) IN CARROLL COUNTY, KINDERGARTEN PROGRAMS ARE NOT SUBJECT TO
26 THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION RELATING TO MINIMUM
27 DAYS OR HOURS OF OPERATION.

28 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act
29 shall take effect July 1, 2007, the effective date of Section 3 of Chapter 288 of the Acts
30 of the General Assembly of 2002. If the effective date of Chapter 288 is amended,
31 Section 2 of this Act shall take effect on the taking effect of Chapter 288.

32 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the
33 provisions of Section 3 of this Act, this Act shall take effect October 1, 2003.